

REMARKS/ARGUMENTS

The Status of the Claims.

Claims 1, 3-15, 35-44, and 53-67 are pending with entry of this amendment, claims 55-66 being added herein. Applicants note that, according to the Advisory Action mailed June 8, 2004, the claim amendments submitted April 30, 2004 were not entered by the Examiner.

Claims 1, 4, 5, 34, 39, 40 and 53 are amended herein. These amendments introduce no new matter and support is replete throughout the specification. These amendments are made without prejudice and are not to be construed as abandonment of the previously claimed subject matter or agreement with any objection or rejection of record. With respect to claim 1, support for the antibodies of the present invention can be found throughout the specification and in the original claims. With respect to claims 4 and 39, support for the sequence identity determination can be found throughout the specification at, for example, page 11, lines 8-26, and support for the binding affinity can be found at, for example, page 32, lines 5-9. The amendments to claims 5, 34, 35, 40 and 53 corrected typographical errors and informalities.

Claims 55-67 have been added herein. These amendments introduce no new matter and support is replete throughout the specification. With respect to claim 55, support for the binding affinity can be found in the specification at, for example, page 31 line 16 through page 32, line 3. With respect to claim 56, support for single chain antibodies can be found in the specification at, for example, page 5, lines 30-32; page 25, lines 24-27; page 28, lines 9-30; page 29, line 13 through page 31, line 2; and in the Examples. With respect to claim 57, support for homodimers can be found in the specification at, for example, page 30, line 12 through page 31, line 2. With respect to claim 58, support for phage-bound antibodies can be found in the specification at, for example, page 16, lines 18-19; and page 26, line 9 through page 28, line 30. With respect to claim 59-64, support for the various antibody preparations can be found in the specification at, for example, page 13, lines 19-23; page 20, line 24 through page 25, line 22; page 28, lines 4-24; page 29, line 14 through page 30, line 11. With respect to claim 65-66, support for multiple effectors and multiple targeting

molecules can be found in the specification at, for example, page 19, lines 19-28. With respect to claim 67, support for antibodies whose binding is reduced in the presence of F5 or C1 can be found in the specification at, for example, page 17, lines 3-8; page 32, lines 5-9; Example 5; and Figure 2.

Applicants submit that no new matter has been added to the application by way of the above Amendment. Accordingly, entry of the Amendment is respectfully requested.

Oath/Declaration

The Examiner has previously indicated that the Oath/Declaration is defective because the phrase "as amended by any amendment specifically referred to above" is missing from the text. As discussed in the telephonic Interview held March 18, 2004, no amendments were made to the claims prior to review and signature of the application paperwork by the inventors. Applicants note that the declaration was signed by the inventors on May 20 and May 31, 1999; the first amendment to the claims (dealing with formalities related to the sequence listing) was filed June 7, 1999. Since no amendments were made to the specification or claims prior to signature by the inventors, Applicants submit that the Oath/Declaration is not defective, and respectfully request that the Examiner accept the signed document filed June 7, 1999.

Expert Declaration

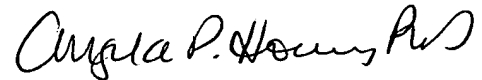
Accompanying this Amendment is a copy of the Expert Declaration which accompanied the amendment filed April 30, 2004. The Expert Declaration supports the Applicants' previous assertions that the epitopes bound by the antibodies designated as F5 and C1 in the subject application are not the same epitopes that are bound by the antibodies reported by Maier et al. (1991), Xu et al. (1993), and Shawner et al. (1994). Applicants respectfully request that the Expert Declaration be considered by the Examiner.

CONCLUSION

If the claims are deemed not to be in condition for allowance after consideration of this Response, **a telephone interview with the Examiner and the Examiner's supervisor is hereby requested. Please telephone the undersigned at (510) 337-7871 (extension 235) to schedule an interview.**

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Respectfully submitted,



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Attachments:

- 1) Request for Continued Examination;
- 2) A petition to extend the period of response for one month;
- 3) Copy of Expert Declaration and accompanying CV filed April 30, 2004;
- 4) IDS, Form 1449 and accompanying EP search reports/*references*;
- 5) A transmittal sheet;
- 6) A fee transmittal sheet; and
- 7) A receipt indication postcard.